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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER
Chairman
WILLIAM MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
MIKE GLEASON
Commissioner
KRISTIN MAYES
Commissioner

Arizona Corporation Commission
DOCKETED

JAN - 6 2004

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE QWEST
CORPORATION'S COMPLIANCE WITH
SECTION 252(e) OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. RT-00000F-02-0271

IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S
COMPLIANCE WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. T-00000A-97-0238

ARIZONA CORPORATION COMMISSION,

Complainant,

v.

QWEST CORPORATION,

Respondent.

DOCKET NO. T-01051B-02-0871

**QWEST CORPORATION'S
MOTION FOR LEAVE TO FILE A
RESPONSE AND MOTION FOR
CLARIFICATION**

Qwest Corporation ("Qwest") hereby requests an opportunity to respond to any replies filed in accordance with the January 5th Procedural Order in the above-referenced dockets. Because Qwest was the party originally filing exceptions, and is the party most affected by these proceedings, giving Qwest an opportunity to respond to additional issues raised by other parties is reasonable and in the public interest. In requesting leave to reply to Qwest's Exceptions, AT&T stated that it would have no objection to allowing a further response from Qwest. AT&T's Motion For Leave To File A Reply To Qwest's Exceptions

1 at 3 n.3 (Dec. 22, 2003). Qwest therefore requests an additional seven days after any replies
2 are filed so that Qwest can prepare and file a response.

3 In addition, Qwest moves for clarification regarding the procedural conference set
4 for January 15, 2004 "to determine if Qwest is renewing its request for a hearing" in the 271
5 sub-docket. Jan. 5, 2004 Procedural Order at 2. Qwest is not presently requesting any
6 further hearing in the 271 sub-docket and does not believe a procedural conference is
7 necessary or appropriate at this time. Qwest's position is that the current proceedings were
8 limited to evaluation of the Settlement Agreement, and the Commission should decide
9 whether or not to approve the Settlement Agreement before undertaking any further
10 proceedings on the merits of the underlying dockets. Qwest's Exceptions at 2, 13, 38.

11 If the Commission approves the Settlement Agreement, all three of the underlying
12 dockets will be resolved and there will clearly be no need for a hearing in the 271 sub-
13 docket. However, the Settlement Agreement provides that "in the event that the
14 Commission does not accept and approve this Agreement according to its terms, then it
15 shall be deemed withdrawn by the Parties and the Parties shall be free to pursue their
16 respective positions in the Litigation without prejudice." Settlement Agreement at 19. If
17 the Commission does not approve the Settlement Agreement, procedural fairness and the
18 express terms of the Agreement require that all three dockets must be returned to the status
19 quo, as each docket stood prior to the Settlement Agreement, for further proceedings and/or
20 a decision on the merits. Qwest's Exceptions at 10.

21 Qwest conditionally waived a hearing in the 271 sub-docket. If the Settlement
22 Agreement is not approved, Qwest should be permitted to request a hearing in the sub-
23 docket at that time. Settlement Agreement at 14, 18.

24 As set forth in Qwest's Exceptions, Qwest believes the Commission should approve
25 the Settlement Agreement. In any event, the Commission should either approve or reject
26 the Settlement Agreement before any further action is taken in the three underlying dockets.

1 If the Commission rejects the Settlement Agreement, a procedural conference would then be
2 appropriate to determine the status of each docket and to arrange whatever additional
3 hearings and other proceedings are necessary.

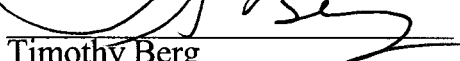
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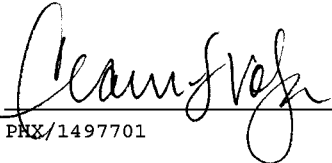
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